

MM Docket No. 01-235  
Reply to Comments

### The *Red Lion* Supreme Court Decision

Several of the commenters selectively quoted the *Red Lion* decision. The FCC's own NTIA subsidiary lists the following quote from *Red Lion*:

"The landmark *Red Lion Broadcasting v. FCC* decision in 1969 upheld the constitutionality of the public interest standard in general and the Fairness Doctrine in particular. One of the oft-quoted principles of the decision echoes Herbert Hoover and the Federal Radio Commission: 'It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount,' the Supreme Court stated."

Source: <http://www.ntia.doc.gov/pubintadvcom/novmtg/pubint.htm>

The complete text of the *Red Lion* decision is available at:

[http://www.bc.edu/cgi-bin/print\\_hit\\_bold.cgi/bc\\_org/avp/cas/comm/free\\_speech/redlion.html](http://www.bc.edu/cgi-bin/print_hit_bold.cgi/bc_org/avp/cas/comm/free_speech/redlion.html)

It is worth noting the sentence preceding the above selection:

"But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

Here is another relevant portion of the decision:

"It is the purpose of the First Amendment to preserve an uninhibited market-place of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee."

Clearly, it is the Court's finding that the First Amendment in this context is meant primarily to preserve the rights of individual citizens, not of corporations.

## 2. Weekly Newspapers

Many commenters mention the number of weekly newspapers published in the U.S. For example, the Tribune Company states that "Hundreds of weekly newspapers are published in Los Angeles." I find the number credible, but dispute the implication that this provides a great diversity of viewpoint.

For example, there are eight or ten weekly papers published in the Thai language in Southern California. Similar weekly papers written in Spanish, Tagalog, Japanese,

Chinese, and Farsi, among others, are readily available in various ethnic markets in this area. These papers may provide a diversity of viewpoint, but to a very limited audience. Most of them are principally advertising vehicles with limited editorial content.

Many of the suburban towns in this area have weekly newspapers that are published by large real estate companies. These do provide some information on local events, but not in a way that competes with the larger regional newspapers. For example, they may report on their own city council or school board meetings in more detail than the regional newspapers, but they don't offer coverage of events beyond the local community. Moreover, the ownership of most of these papers does not allow a truly independent editorial viewpoint.

In summary, the argument that the total number of weekly newspapers compensates for the steady decrease in daily newspapers is very misleading. The word "newspaper" is used very loosely in this context, since most of the weeklies are merely advertising vessels with a few column inches of text.